

REMARKS

Claims 1, 3 and 5-16 are pending in this application. By this Amendment, claims 1, 3 and 5-8 are amended, and claims 2, 4 and 17-27 are canceled without prejudice to or disclaimer of the subject matter recited therein. No new matter is added. Reconsideration of the application is respectfully requested.

The courtesies extended to Applicants' representatives by Examiner Carter at the interviews held April 20 and 27, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

During the April 20 telephone interview, Examiner Carter confirmed that claims 2 and 4 contain allowable subject matter. By this Amendment, claims 2 and 4 are rewritten in independent form by incorporating the subject matter of claims 2 and 4 into independent claims 1 and 3, respectively. Claims 2 and 4 are now canceled.

The Office Action rejects claims 1 and 3 under 35 U.S.C. §101. As agreed to during the interviews, claims 1 and 3 are amended to obviate the rejection. Support for the word "obtaining" is found in the specification at, for example, page 27, lines 3-6. Withdrawal of the rejection is respectfully requested.

Claims 5-8 are amended similarly.

The Office Action rejects claims 1, 3 and 5-17 under 35 U.S.C. §102(e) over U.S. Patent No. 6,614,427 to Aubrey. This rejection is respectfully traversed.

As discussed above, claims 1 and 3 are amended to contain the allowable subject matter of canceled claims 2 and 4, respectively. Therefore, claims 1 and 3 are allowable.

Dependent claims 5-16 are allowable at least for their dependence on claims 1 and 3, respectively. Independent claim 17 is canceled by this Amendment. Therefore, withdrawal of the rejection is respectfully requested.

The Office Action provisionally rejects claim 1 on the ground of nonstatutory obviousness-type double patenting rejection as being unpatentable over claim 14 of U.S. Patent Application No. 11/892,626 ('626 patent). This rejection is respectfully traversed.

As discussed during the interview, claim 1 is amended to incorporate the subject matter of canceled claim 2. Claim 2 is not rejected under the double patenting rejection. Therefore, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:KXH/hms

Attachment:
Petition for Extension of Time

Date: May 4, 2009

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